

NEIFELD Docket No.: SIEM0015U/US

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: Klaus Gradischnig  
SERIAL NO.: 09/673,905

FILED: 10/23/00

FOR: Signaling system in a signaling point

NEIFELD Docket No.: SIEM0015U/US

GROUP ART UNIT: 2141  
EXAMINER: NGUYEN, QUANG N.  
CONFIRMATION NO. 7207

ASSISTANT COMMISSIONER FOR PATENTS  
ALEXANDRIA, VA 22313

37 CFR 1.137(b) PETITION TO REVIVE FOR UNINTENTIONAL ABANDONMENT

**I. Statement of the Precise Relief Requested**

The applicant requests the Director to accept in this application the petition for extension of time for 3 months filed in the continuation of this application, and to thereby set the time for abandonment of this application to February 22, 2006. The Director should consider whether fees for this petition are warranted, and if not, refund the fee paid with this petition to the undersigned's deposit account 50-2106.

**II. Material Facts**

February 22, 2006 is after the date of filing of the continuation application 11/352,230 (attorney docket no: SIEM0015U-USC1); granting this petition would ensure copendency of this and the continuation application.

On 12/12/2006, the USPTO mailed a notice of abandonment in this application, checking Box 1, and in Box 7, stating that this application was abandoned based upon no response to the office action mailed August 22, 2005.

On February 13, 2006, the applicant filed a continuation application (now application 11/352,230; attorney docket no: SIEM0015U-USC1).

With the continuation application filing, the applicant filed a petition for extension of time for 3 months in this application. See page 19 of the 21 page Attachment 1.

Attachment 1 is the continuation filing, less the specification.

Page 19 of Attachment 1 is the request for three month extension of time to February 22, 2005.

The petition for three month extension of time improperly lists the attorney docket number for the continuation.

The abandonment prior to the filing date of the continuation application was unintentional.

**III. Reasons Why the Relief Requested Should be Granted**

The petition for a 3 month extension of time logically can only be directed to this application. This is because a petition for extension of time in an application at the time of filing would be meaningless, and because a petition for extension of time in a parent of a continuation application is necessary to preserve copendency, and therefore continuation status. Moreover, the continuation has

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only one parent application; this application.

Accordingly, the USPTO should grant this petition, with or without sending a corrected notice of abandonment in which, in the corrected Notice of Abandonment, Box 1 is not checked, and with a corrected explanation in box 7, that the application went abandoned February 22, 2006, after the extended period for response expired.

Truly,

1/18/2007

/#Richard Neifeld#35,299/

DATE

Richard Neifeld

Reg. No: 35,299

Attorney of Record

RAN

Date/time code: January 18, 2007 (11:40am)

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